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February 17, 2011

## VIA ELECTRONIC FILING

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *The Tennis Channel, Inc. v. Comcast Cable Communications, LLC*  
File No. CSR-8258-P; MB Docket No. 10-204

Dear Chief Judge Sippel:

Earlier this week, Tennis Channel filed a motion to compel Comcast to produce documents relating to the Commission's recent finding in its order concerning Comcast's acquisition of NBC Universal, Inc. "that Comcast currently favors its affiliated programming in making [carriage] decisions" and that it does so because of "anticompetitive motives."<sup>1</sup>

In the motion, Tennis Channel noted in passing that, "on its face, the protective order in this case has no carve-out for NBC Universal information."<sup>2</sup> By this statement, Tennis Channel meant to emphasize that information belonging to third parties that was separately produced in the Commission's *NBC Universal* proceeding would be covered by the protective order in this matter if it was produced here and designated as confidential.

Counsel for Comcast has brought to our attention that, prior to serving discovery requests in this matter, the parties agreed that confidential information belonging to NBC Universal, Inc. (as distinguished from information from the *NBC Universal* proceeding more generally) would not be covered by the protective order in this case. The statement quoted above, therefore, was overly broad, and we regret the ambiguity.

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<sup>1</sup> *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses and Transfer Control of Licenses*, Memorandum Opinion and Order, MB Docket No. 10-56, FCC 11-4, Technical Appendix, at ¶ 65 (rel. Jan. 20, 2011).

<sup>2</sup> Motion to Compel at 13.

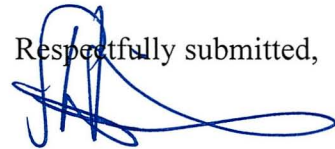
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Comcast's counsel also has indicated that footnote 298 of the Commission's order in the *NBC Universal* proceeding—which is one of many items we have requested but not received—does include confidential information belonging to NBC Universal, Inc. On that basis, Tennis Channel withdraws its request that Comcast produce an unredacted version of footnote 298 to the extent that it reflects confidential information belonging to NBC Universal, Inc.

In all other respects, Tennis Channel continues to seek production of the material described in the motion to compel. Comcast's delay and its refusal to promptly produce all of the documents described in the motion to compel—which Comcast already has collected and already has produced in an FCC proceeding—are patently unreasonable.

To avoid further prejudice to Tennis Channel, and subject to the parties' agreement concerning information that is proprietary to NBC Universal, Inc., Comcast should be ordered to produce the requested materials without further delay.

Respectfully submitted,



Stephen A. Weiswasser

cc: Michael Carroll, Esq., Counsel to Comcast Cable Communications, LLC  
David Toscano, Esq., Counsel to Comcast Cable Communications, LLC